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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/588,460

08/04/2006

David Naccache

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BUCHANAN, INGERSOLL & ROONEY PC
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EXAMINER

VAUGHAN, MICHAEL R

ART UNIT

PAPER NUMBER

2131

NOTIFICATION DATE

DELIVERY MODE

09/23/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ADIPFDD@bipc.com

Office Action Summary	Application No. 10/588,460	Applicant(s) NACCACHE, DAVID	
	Examiner MICHAEL R. VAUGHAN	Art Unit 2131	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☒ Claim(s) 2-4 and 6-25 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>8-4-06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The instant application having Application No. 10/588460 filed on 8/4/06 is presented for examination by the examiner.

Priority

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been received.

Claim Objections

Claims 2-4, and 6-15 are objected to because of the following informalities:

Each of the dependent claims (2-4 and 6-15) should be written to incorporate all the limitations of the parent claim. As such the dependent claims should reference their parent claim by "the" method or "the" device, not "a" method or "a" device. Use of "the" removes any doubt as to whether the method (or device) is the same method of its parent and not a similar method.

In regards to claims 6-15, the dependent claims should reference their parent claim by "the device" and not "the security device" because claim 5 discloses "a device".

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:
The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 2-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 2, it is an improper dependent claim written in independent form. As a dependent claim of claim 1, it should further limit the method of securing access to a piece of equipment. Claim 2 discloses an authentication medium. Furthermore claims 3 and 4 likewise are improper for this reason. For purposes of examination, Examiner is treating claim 2 as a dependent claim of 1. Appropriate correction is required.

Claim Rejections - 35 USC § 102

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by USP Application Publication 2002/0069361 to Watanabe et al., hereinafter Watanabe.

As per claim 1, Watanabe teaches a method of securing access to a piece of equipment [PC], this method comprising at least one attribution operation consisting of supplying a reference datum to an authentication medium (237);

an acquisition operation consisting of obtaining, for every access request formulated by a party requesting access to the equipment, a biometric signature of this said party requesting access (238);

and a verification step consisting of verifying, by means of the reference datum, the authenticity of the biometric signature obtained from the party requesting access, further including a prior encryption step, during which an encrypted version of at least one authentic biometric signature belonging to at least one person authorized to access the piece of equipment is created (250), wherein the verification step comprises a decryption operation implemented in the authentication medium and consisting of which includes decrypting, by means of a secret key, the encrypted version of an authentic biometric signature supplied to this said authentication medium as a reference datum during the access request, and in that wherein the verification step comprises a comparing operation implemented by secretly comparing the biometric signature obtained from the party requesting access during the access request with the authentic biometric signature that results from the decryption step (238).

As per claim 2, Watanabe teaches an electronic card having at least one decryption module using a secret [private] key (356-357).

As per claim 3, Watanabe teaches a comparison module (357).

As per claim 4, Watanabe teaches an encryption module (232).

As per claim 5, Watanabe teaches a device [IC card] for securing access to a piece of equipment [shared user device], this device comprising: an authentication medium [terminal] which is supplied with a reference datum [IDC]; a sensor [sampling

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information acquisition apparatus] obtaining, during every access request formulated by a party requesting access to the equipment, a biometric signature of said party requesting access (357);

and a controller included in the authentication medium and selectively authorizing the party requesting access to access the piece of equipment in accordance with the result of a verification of the authenticity of the biometric signature of the party requesting access by means of the reference datum (356)

wherein the controller comprises a decryption module and a comparison module wherein the reference datum supplied to the authentication medium consists of comprises an encrypted version of an authentic biometric signature allegedly attributed to the party requesting access (356), wherein the decryption module uses a secret [private] key by means of which it secretly reconstructs (356), upon each access request, the authentic biometric signature from its encrypted version, and wherein the comparison module secretly compares the biometric signature obtained from the party requesting access with the reconstructed authentic biometric signature, and supplies a comparison result that constitutes the result of the verification (357).

As per claim 6, Watanabe teaches the authentication medium is a card, equipped with a memory that cannot be read from outside, in which the secret key is stored (355-356).

As per claim 7, Watanabe teaches at least one computer makes up at least a part of the equipment to which the access is secured (shared user device is a computer 237).

As per claim 8, Watanabe teaches the computer contains in its memory [database] a plurality of personal identification codes [personal information] attributed to a corresponding plurality of persons authorized to access the equipment and associated with a corresponding plurality of encrypted authentic biometric signatures [IDA] for these authorized persons, and wherein the computer delivers to the identification medium, when receiving an access request, the encrypted authentic biometric signature that corresponds to the identification code supplied by the party requesting access, such that a single authentication medium provides several persons with secure access to the computer (248-250).

As per claim 9, Watanabe teaches an encryption module that delivers an encrypted version of an authentic biometric signature supplied in plain form by the sensor in response to an encryption command (250).

As per claim 10, Watanabe teaches the secret key is a private key with a matching public key, and wherein the encryption module is included in the computer and uses the public key (250).

As per claim 11, Watanabe teaches an encryption module (250).

As per claim 12, Watanabe teaches at least one computer that makes up at least a part of the equipment to which the access is secured (237 and 295).

As per claims 13, 14, and 15, Watanabe teaches an encryption module that delivers an encrypted version of an authentic biometric signature supplied in plain form by the sensor in response to an encryption command (248-250).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

USP 6,185,316 discloses the use of encrypting a biometric template and combining it with the use of a PIN.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL R. VAUGHAN whose telephone number is (571)270-7316. The examiner can normally be reached on Monday - Thursday, 7:30am - 5:00pm, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO

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Customer Service Representative or access to the automated information system, call
800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/M. R. V./

Examiner, Art Unit 2131

/Syed Zia/

Primary Examiner, Art Unit 2131